

# EXHIBIT A

**Hon. Daniel J. Stack (Ret)**

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February 27, 2018

**Re: Additional information regarding the FCC letter and Exhibits that you received concerning the hours that were disallowed or reduced for your firm.**

Dear Sir or Madam:

I have been in continuing communication with the members of the FCC since the delivery of the initial review of your firm's time submissions on February 16, 2018. I want to provide some additional information as a result of questions that I have received.

I believe that if you refer to the letter with all attachments as well as the Pretrial Orders of Judge Goodwin, you will find the answers to many of the questions that I have received.

As you review the time that is identified on Exhibits A and B, the explanation provided in the letter from the FCC is meant to direct you to those aspects of the Court's Orders where your time entries do not support an award for Common Benefit. Those paragraphs were included to indicate what aspects resulted in the entries being included. The numbered paragraphs on page 2 of the letter delivered by the FCC are specific to your firm. The purpose of returning the files to you is to allow you to provide further explanation why a particular time entry should be compensable. You should tell the committee why you think time is common benefit that has been identified on Exhibit A or B.

With regard to hours incurred in pursuing state court matters, the FCC discussed and identified criteria for the compensation of hours. Only those hours within the periods identified on Exhibit C AND prior to the first favorable result for a particular TVM product are compensable. Once a favorable result was reached with regard to a particular TVM product, no further state court time was considered by the FCC as being for the common benefit.

The FCC determined that hours submitted for Wave cases would be considered for Common Benefit within the applicable time periods set forth in Exhibit C and within the requirements of the Court's Orders. The Court's orders cited in the letter set forth individual work standards to be met for common benefit consideration. You should refer to those in preparing your response and what you want the FCC to consider.

Once appointed by Judge Goodwin, I have attended most of the meetings of the committee and have observed how they have conducted their business. My observation is that they have been diligent in their review and have tried very hard to be consistent. This is a full committee involvement.

Please keep in mind that there is a process in place for addressing these issues and follow that process. The first step is for you to go over all of the time that has been reduced or disallowed as well as the letter and the Pre-Trial Orders and then submit your affidavit voluntarily withdrawing those hours that you observe fit into any of those categories and commenting briefly for reasons that you disagree with the reduction or disallowance.

Subsequent to that and the FCC's re-review, you will have the opportunity to appear in Charleston WV to address the FCC and myself to make a presentation and to answer questions which can lead to further adjustments. And when that has all been accomplished, if you still cannot agree, there will be a final opportunity to mediate through me.

I hope I have answered your questions. If not, please call me.

*Dan* (Judge Stack)

Daniel J. Stack (Retired Judge)